

**Remarks**

Reconsideration and allowance of the subject patent application are respectfully requested.

Amendments of a formal nature are made to claims 1, 4 and 13. Entry of these amendments is believed to be appropriate and is respectfully requested.

This submission is further to the Amendment filed on November 13, 2007. Applicant gratefully acknowledges the indication in the Advisory Action that the November 13<sup>th</sup> Amendment overcomes the Section 112 rejection and the rejections relying upon Ishii et al. Applicant provides comments on the rejections based on the Satoh et al. patents which were inadvertently not included the prior Amendment.

Claims 1, 3-6, 8, 10, 11 and 13-20 were rejected in the May 11, 2007 office action under 35 U.S.C. Section 102(b) as allegedly being "anticipated" by Satoh et al. '489 (U.S. Patent No. 4,104,489) or Satoh et al. '480 (U.S. Patent No. 4,224,480). Claims 3 and 5 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Ishii et al. in view of Satoh et al. '489.


As mentioned in the November 13<sup>th</sup> Amendment, claims 1, 8, 11 and 15 recite that an alignment direction of the plurality of gratings is oblique with respect to a direction perpendicular to a moving direction of the recording medium by the moving unit. In the Satoh et al. references, the light modulator 32 (see Figure 1B) is not positioned such that the alignment direction of gratings is oblique with respect to a direction perpendicular to the moving direction of the disc 20.

Consequently, the Satoh et al. patents do not anticipate the subject matter of independent claims 1, 8, 11 and 15 or the claims that depend therefrom. Moreover, the Satoh et al. patents do not remedy the deficiencies of Ishii et al. with respect to claims 3 and 5, which depend from claim 1.

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
Michael J. Shea  
Reg. No. 34,725

MJS:mjs  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100